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Attorney for Defendant  
Hanna Dinh

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY HAO DINH, HANNA TRINH  
DINH AKA "HANG TRINH DINH," AND  
MATTHEW HOANG HO, AKA "MAT  
HOANG HO,"

Defendants.

) Case No. 2:23-MJ-1699-DUTY-2

) **RESPONSE TO GOVERNMENT'S**  
) **MEMORANDUM REGARDING**  
) **REQUEST FOR DETENTION**  
) **(DKTENTRY 53);**  
) **SUPPLEMENTAL**  
) **DECLARATION OF THONG**  
) **HUYNH**

) Date: June 2, 2023  
) Time: 10:00 a.m.  
) Courtroom 6B

) [Courtroom of The Honorable  
) Honorable Fernando L. Aenlle-Rocha]

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## I. INTRODUCTION.

On May 10, 2023, Defendant Hanna Dinh (“Ms. Dinh”) filed in the Central District of California a pleading entitled “Documents Considered by the Court in the Northern District of California When It Granted Bail to Defendant Hanna Trinh Dinh” (DktEntry 41) which included the declaration of Tyler Creekmore, her former counsel (DktEntry 41, pp. 4-6 of 12), the two emails Ms. Dinh sent to the U.S. Embassy in Ho Chi Minh City (DktEntry 41, pp. 10-11 of 12) and a point of contact at the U.S. Embassy in Ho Chi Minh City (DktEntry 41, p. 12).

On May 16, 2023, Ms. Dinh filed her “Memorandum of Defendant Hanna Dinh Re: Review of Magistrate Judge’s Bail Order” and the Declaration of Thong Huynh (DktEntry 46).

On May 19, 2023, the Government filed its “Memorandum of Points and Authorities in Support of Bail Review and Detention for Defendant Hanna Trinh Dinh” and corresponding exhibits (DktEntry 53).

This Response is in response to the Government’s memorandum.

## II. MEMORANDUM OF POINTS AND AUTHORITIES.

### A. THE GOVERNMENT HAS OFFERED ARGUMENT, SURMISE AND CONJECTURE BUT NO FACTS.

The “Government’s Memorandum of Points and Authorities in Support of Bail Review and Detention” (DktEntry 53) is unsupported by any declaration. Rather, to the extent that any evidence is cited therein, it is drawn from the Declaration of Tyler Creekmore, Ms. Dinh’s former counsel. Thus, the balance of the Government’s memorandum contains argument, surmise and conjecture. Nothing more. *National Industries, Inc. v. Republic Nat. Life Ins. Co.*, 677 F.2d 1258, 1267 (9th Cir. 1982)



1 (“[i]n drawing inferences, the trier of fact is not permitted to resort to speculation and  
2 surmise.”)

3 Thus, because it is the Government which bears the burden, and it has failed to  
4 submit any evidence to this Honorable Court, the Government has failed its burden  
5 from the outset. As the Ninth Circuit has stated repeatedly:

6 “Only in rare circumstances should release be denied, and doubts regarding the  
7 propriety of release should be resolved in the defendant's favor. [citation]. On a  
8 motion for pretrial detention, the government bears the burden of showing by a  
preponderance of the evidence that the defendant poses a flight risk, and by  
clear and convincing evidence that the defendant poses a danger to the  
community. [citation.]”)

9 *United States v. Gebro*, 948 F.2d 1118, 1121 (9th Cir. 1991). *See also United States*  
10 *v. Mapelli*, 971 F.2d 284, 288 (9th Cir. 1992) (“[s]ince the government presented no  
11 evidence, it necessarily failed to meet its *Kastigar* burden of proof.”)

#### 12 13 **B. THE GOVERNMENT’S UNSUPPORTED ARGUMENT MAKES LITTLE SENSE.**

14 The Government’s entire theory is that, using her true name, Ms. Dinh was  
15 hiding out in Ho Chi Minh City at the same Five-Star Sheraton Hotel that she  
16 normally stays at when in Vietnam.

17 Because Ms. Dinh’s ethnicity is Vietnamese and speaks the language, she could  
18 have easily hidden among the nearly 100 million Vietnamese living in Vietnam.<sup>1</sup>  
19 Instead, she stayed at a preeminent American Hotel and used her true name and  
20 passport when booking into the hotel. See Supplemental Declaration of Thong  
21 (“Tom”) Huynh, attached hereto. Prior to her being detained, she booked a flight to  
22

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23 <sup>1</sup>“Viet Nam’s population to reach 100 million in 2023.” United Nations Population  
24 Fund. See:  
25 <https://vietnam.unfpa.org/en/news/information-for-media-viet-nams-population-reach-100-million-2023>

1 return to Los Angeles but needed help to return because the U.S. had cancelled her  
 2 passport. So, because she is a U.S. citizen, Ms. Dinh reached out to the U.S. Embassy  
 3 and followed its instructions by sending an email describing the situation and asking  
 4 what to do. See Declaration of of Thong Huynh (DktEntry 46).<sup>2</sup>

5 It stretches credulity for the Government to argue that someone who is  
 6 complicit in a sophisticated fraud would be so unsophisticated in hiding. Patently, the  
 7 facts here present a reason other than flight to avoid prosecution. Rather, at worst,  
 8 there was miscommunication between former counsel, Government counsel and Ms.  
 9 Dinh. There is no indicia of flight, and thus the Government cannot meet its burden in  
 10 showing “risk of flight by a clear preponderance of the evidence . . . that there is no  
 11 condition, or combination of conditions, that would reasonably assure Defendant's  
 12 appearance at *future* proceedings if released on bond.” [Empahsis added.] *United*  
 13 *States v. Motamedi*, 767 F.2d 1403, 1406-07 (9th Cir. 1985).”

### 14 15 **C. THE COMPLAINT MILITATES IN FAVOR OF GRANT OF BAIL.**

16 The Government is incorrect to argue to this Honorable Court “[t]he complaint  
 17 affidavit (Dkt. 1) detailed defendants’ extensive scheme to submit approximately 70  
 18 fraudulent loan applications under the federal Paycheck Protection Program (‘PPP’)  
 19 and the Economic Injury Disaster Loan (‘EIDL’) Program, in which the defendants  
 20 obtained over \$3 million in loan funds.” DktEntry 53, p. 6 of 18, ll.4-9.

---

22 <sup>2</sup>Because Ms. Dinh entered Vietnam on April 18, 2023 and was taken into custody  
 23 on April 25, 2023, the relevant time period while in Vietnam is one week; not three  
 24 weeks as the Government argues in its memorandum. See Government Memorandum,  
 25 p. 5 of 18, ll. 14-16. During this time period she stayed at a less expensive hotel and then  
 moved to her usual hotel (i.e., the Sheraton). See Supplemental Declaration of Thong  
 (“Tom”) Huynh.

1 Rather, the Criminal Complaint alleges sixty loans as to Anthony Dinh  
 2 (Complaint ¶ 39), four unfunded loans as to Hanna Dinh (Complaint ¶¶ 71-74, 78) and  
 3 two loans as to Matthew Ho with assistance by Anthony Dinh, not Hanna Dinh  
 4 (Complaint ¶¶ 80-89). “But words have meaning” and the Complaint “meant what it  
 5 said.” *United States v. Mudekunya*, 646 F.3d 281, 299 (5th Cir. 2011). The  
 6 Complaint stated that there were four unfunded loans as to Hanna Dinh; not seventy.  
 7 To now claim otherwise would contravene what was represented in the Complaint to  
 8 the Magistrate Judge when the Government “attested” to it.<sup>3</sup>

9 The takeaway is that no reasonable person would run away from a no-loss, four-  
 10 loan case.

11 The facts present at worst a misunderstanding; not an attempt to flee.

## 12 CONCLUSION

13 The prior orders of the Magistrate Judge took into account the applicable law  
 14 and would reasonably assure Ms. Dinh’s appearance at future proceedings if released  
 15 on bond. *See United States v. Motamedi*, 767 F.2d 1403, 1406-07 (9th Cir. 1985).”  
 16 [Emphasis added.] *United States v. Nunez*, 2019 WL 3956267 (S.D. CA 2019).  
 17

18 The Magistrate Judge’s orders should be upheld.

19  
 20 Dated: May 30, 2023.

Respectfully submitted,

21 Stanley L. Friedman  
 22 Stanley L. Friedman  
 23 Art Kalantar  
 Attorneys for Defendant  
 Hanna Dinh

24  
 25 <sup>3</sup>See attestation on Complaint above Judge’s and Special Agent’s signature.  
 26

**SUPPLEMENTAL DECLARATION OF THONG ("TOM") HUYNH**

I, Thong ("Tom") Huynh, hereby declare and state as follows:

1. I am over the age of eighteen and am not a party to this action. I am the husband of the defendant in this case and have knowledge of the facts set forth herein and if called upon to testify, I could and would testify competently thereto.

2. I previously submitted a declaration which I have been told appears as part of Docket Entry 46.

3. When Ms. Dinh and I stay in Ho Chi Minh City, Vietnam, we typically stay at the Sheraton Hotel which is a Five-Star hotel with fine amenities and a good location for visiting restaurants and shops. Additionally, it provides certain amenities free of additional charge. Attached hereto as Exhibit "1" is a true and correct copy of an email showing that Ms. Dinh and I would normally stay at the Sheraton Hotel in Ho Chi Minh City.

4. Ms. Dinh and I have friends who recommended that we try staying at the Windsor Plaza Hotel rather than the Sheraton Hotel because it is less expensive. So, in April 2023, we booked a room at this Hotel. Attached hereto as Exhibit "2" is a true and correct copy of an email showing this reservation. We stayed at the Windsor Plaza Hotel but were not happy there. The accommodations were not as good as what we experienced at the Sheraton Hotel. So, friends took this reservation for us and we changed hotels and went to the Sheraton Hotel. Attached hereto as Exhibit "3" is a true and correct copy of an email showing this reservation.

5. At both hotels, both Ms. Dinh and I were required to, and did, show our U.S. Passports.

6. The change in hotels was not for purposes of hiding or evasion but rather that we were accustomed to the level of service and favorable location provided by the Sheraton Hotel.

1 I declare under penalty of perjury under the laws of the United States of  
2 America that the foregoing is true and correct, and that this declaration was executed  
3 on May 30, 2023 at Lake Forest, California.

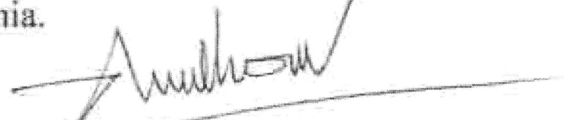
4   
5 Thong Huynh

Exhibit “1”



Fwd: Fw: Reservation Confirmation #97926828 for Sheraton Saigon Hotel & Towers

From: Tom Huynh (wfgthuynh@gmail.com)  
To: friedman@friedmanlaw.org  
Date: Wednesday, May 24, 2023 at 11:11 PM PDT

Hi Stanley,

Below are the examples of the Sheraton hotel where we always stayed at when we travel to Saigon, Vietnam.

----- Forwarded message -----

From: **Hanna Dinh** <wfg Hannah@yahoo.com>  
Date: Wed, May 24, 2023 at 8:49 PM  
Subject: Fw: Reservation Confirmation #97926828 for Sheraton Saigon Hotel & Towers  
To: Tom Huynh <wfgthuynh@gmail.com>

Sheraton Oct 28-Oct 30, 2022

Best Regards,  
Hang (Hanna) Dinh CFEd® CFE  
Certified Financial Educator®  
WSB Senior Marketing Director  
1403 N. Tustin Ave Suite 170  
Santa Ana, CA 92705  
Direct Line : 714-856-0498  
Office Line : 714-883-0089  
Fax : 714-855-4218  
E-mail : wfg Hannah@yahoo.com

----- Forwarded Message -----

From: wfg Hannah@yahoo.com <wfg Hannah@yahoo.com>  
To: Hang Dinh <wfg Hannah@yahoo.com>  
Sent: Sunday, October 23, 2022 at 03:33:30 AM PDT  
Subject: Fwd: Reservation Confirmation #97926828 for Sheraton Saigon Hotel & Towers

Sent from my iPhone

Begin forwarded message:

From: Sheraton Reservations <reservations@res-marriott.com>  
Date: August 15, 2022 at 3:51:12 AM GMT+7  
To: wfg Hannah@yahoo.com  
Subject: Reservation Confirmation #97926828 for Sheraton Saigon Hotel & Towers  
Reply-To: "reservations@res-marriott.com" <reservations@res-marriott.com>

ENHANCE YOUR STAY | SUMMARY OF CHARGES | CONTACT US

Our Top Priority — Our Guests: COVID-19 update and cancellation policy.











## At the heart of communities for over 80 years

Welcome to Sheraton. Where the World Comes Together. We invite you to gather, share experiences and explore your destination.

## Summary Of Charges

Friday, October 28, 2022 – Saturday, October 29, 2022

1 Night at 4,370,000 VND per night per room

**Member Rate Stay for Breakfast, includes buffet breakfast daily**

Saturday, October 29, 2022 – Sunday, October 30, 2022

|                                   |                |
|-----------------------------------|----------------|
| Estimated Government Taxes & Fees | 351,120.00 VND |
| Service charge                    | 209,000 VND    |
| Totals                            |                |
| Total for Stay (all rooms)        | 9,480,240 VND  |

Exhibit “2”

Your itinerary number is 10237B69402881

Room 1 Confirmation #: 77934SE005321

Confirmed

Print this page

Add to calendar

Share

Room Details

Windsor Plaza Hotel

18 An Duong Vuong Street, Ward 9 District 5,  
Ho Chi Minh, 700000  
84-28-38336688  
services@windsorplazahotel.com  
www.windsorplazahotel.com



Confirm #77934SE005321

Premier Deluxe Hollywood 38sqm-409sqft

\$933.12

TWO NIGHTS PROMOTION INCLUDES BREAKFAST 9 Nights

Dates

Tue, Apr 18, 2023  
Thu, Apr 27, 2023 (9 Nights)

Guests

2 Adults

Guest Information

Hang Dinh  
wfghannah@yahoo.com  
7148560498

Additional Details and Preferences

I need to have 4:00 pm late check out

Payment Method



Card ending in 7420



You are not able to modify or cancel this reservation.

Taxes and Fees: \$144.63

Total: \$1,077.75

Policies

Check-in

After 2:00 PM

Check-out

Before 12:00 PM

Exhibit “3”

Fwd: Fw: Your upcoming stay at Sheraton Saigon Hotel & Towers

From: Tom Huynh (wfgthuynh@gmail.com)

To: friedman@friedmanlaw.org

Date: Wednesday, May 24, 2023 at 11:02 PM PDT

Hi Stanley,

Attached is the confirmation booking for Sheraton Saigon from April 22 through 26.

----- Forwarded message -----

From: **Hanna Dinh** <wfg Hannah@yahoo.com>

Date: Wed, May 24, 2023 at 10:59 PM

Subject: Fw: Your upcoming stay at Sheraton Saigon Hotel & Towers

To: Tom Huynh <wfgthuynh@gmail.com>

Sheraton Sai Gon reservation April 22, 2023 through April 26, 2023

Best Regards,  
Hang (Hanna) Dinh CFE® CFE  
Certified Financial Educator®  
WSB Senior Marketing Director  
1403 N. Tustin Ave Suite 170  
Santa Ana, CA 92705  
Direct Line : 714-856-0498  
Office Line : 714-883-0089  
Fax : 714-855-4218  
E-mail : [wfg Hannah@yahoo.com](mailto:wfg Hannah@yahoo.com)

----- Forwarded Message -----

From: Hotels.com <info@mail.hotels.com>

To: "wfg Hannah@yahoo.com" <wfg Hannah@yahoo.com>

Sent: Friday, April 21, 2023 at 10:01:05 AM PDT

Subject: Your upcoming stay at Sheraton Saigon Hotel & Towers

Deals Vacation Rentals Hotels.com® Rewards



Hotels.com Rewards Gold™

Membership Number: 56433464



Hi Hang

Here's all the information you need for your upcoming stay.

Before you set off, please check the local government travel advice for your destination.

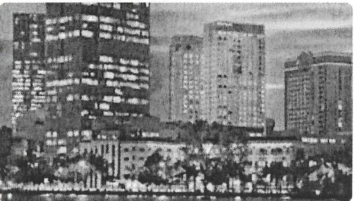
As a valued GOLD member you have access to our priority customer service.

If you need to speak to us about your stay, please contact us on 800-997-9148.

Hotels.com®


[View reservation](#)


[Get directions](#)



**Sheraton Saigon Hotel & Towers**  
88 Dong Khoi Street, District 1, Ho Chi Minh City, Vietnam  
 Contact this property directly: **+842838272828**  
[View on map](#)

✓ Your booking is guaranteed.






Check in Saturday, April 22nd, 2023 (3 PM)

Check out Wednesday, April 26th, 2023 (12 PM)

Amenities Free breakfast

Guests adults - 2

Weather update for Ho Chi Minh City
 AccuWeather.com

| Sat 04/22   | Sun 04/23   | Mon 04/24   | Tue 04/25  | Wed 04/26   |
|---|---|---|--|---|
|  |  |  |  |  |
| 95°F / 81°F   | 97°F / 80°F   | 98°F / 82°F   | 97°F / 82°F  | 96°F / 81°F   |

## Change of plans? No problem.

You can change or cancel for free on most hotels<sup>4</sup>. For some hotels, a tiered cancellation fee may apply.

## MANAGE YOUR BOOKING

### 5 reward<sup>1</sup> nights to redeem

You are 4 stamps away from earning another reward<sup>1</sup> night!

## Was this information useful?

YES

NO



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<sup>1</sup>The value of the reward night is the average daily rate of the 10 stamps collected excluding taxes and fees. The value of your reward night doesn't count toward any applicable taxes or fees. Account Summary Balance updates after stay has been completed. Your reward nights and/or collected stamps will expire if you have not had any Hotels.com® Rewards account activities in the previous 12 months. Subject to the complete terms and conditions. **One Key™ is arriving in mid-2023. You'll earn rewards at the new One Key rate on stays after launch, plus you'll unlock new and exciting member benefits. Learn more about One Key here.**

<sup>4</sup> Some hotels require you to cancel more than 24 hours before check-in. Details on site.

This email was sent to: wfghannah@yahoo.com

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